

DEPARTMENT OF DEFENSE

Amendments to Chapter 7-31, Hawaii Administrative Rules

1. Chapter 7-31, Hawaii Administrative Rules is amended by adding new section 7-31-4.3 to read as follows:

"§7-31-4.3 Disbursement of World War II Filipino veterans burial grant funds.

(a) The office may use the Filipino veterans burial grant program for those World War II Filipino veterans who are not eligible for interment in a state or federal veterans cemetery and shall make payment directly to a mortuary or crematory for funeral and burial services, and for transport of the remains of eligible World War II Filipino veteran to the Philippines upon submission of an itemized unpaid invoice.

(b) As used in this section, "World War II Filipino veteran," means a Filipino veteran who enlisted in World War II between October 6, 1945, and June 30, 1947, was discharged under conditions other than dishonorable and who at the time of the veteran's death, was a United States citizen and a resident of the State of Hawaii.

(c) Applications for a World War II Filipino veterans burial grant under this section:

- (1) Must be made by a World War II Filipino veteran's survivor or an interested party; and
- (2) Must be made on an appropriate form designated by the office and be accompanied by an itemized unpaid invoice reflecting services that have been satisfactorily performed on behalf of the deceased World War II Filipino veteran and any supporting documentation requested by the office.

(d) The office shall:

- (1) Accept applications for a World War II Filipino veterans burial grant;
- (2) Review and verify the application, itemized unpaid invoices, and supporting documentation submitted with the application to assure that the application form is complete, the itemized unpaid invoice reflects services that have been satisfactorily performed on behalf of the deceased World War II Filipino veteran, that such services are for funeral and burial services of the World War II Filipino veteran and for the transportation of the remains of the World War II Filipino veteran to the

Philippines, and any supporting documents requested by the office are complete and accurate; and

- (3) Make an eligibility determination within five working days after the application, itemized unpaid invoice, and required documents are received by the office.

(e) Any payment authorized by the director of the office under the World War II Filipino veterans burial grant shall be:

- (1) Based upon the total cost of the funeral, burial, and transportation services that have been satisfactorily performed, but shall not exceed \$2,000 per World War II Filipino veteran; and
- (2) Subject to the availability of appropriated funds for use by the World War II Filipino veterans grant program;

(f) When there are insufficient appropriated funds available for the World War II Filipino veterans grant program to make payments, all subsequent applications shall be denied.

(g) If an application is not approved for reasons other than the availability of funds, the survivor or interested party who submitted the application may appeal to the director of the office of veterans' services.

- (1) A written notice appealing any such decision must be received by the director within seven working days of the notice of disapproval.
- (2) The notice must include all reasons for the appeal and all documents supporting the appeal, which may include affidavits, notarized statements, invoices and other documents necessary to refute the denial;
- (3) The director will make a decision on the appeal based upon all evidence submitted and either approve the denial or overturn the denial within seven working days after receipt of appeal documents;
- (4) The director's decision is final.

(h) The deceased World War II Filipino veteran's survivor or interested party shall be responsible for all arrangements for funeral and burial services, and the transportation of the remains of the World War II Filipino veteran to the Philippines through any licensed provider of mortuary and crematory services of their choice.

[Eff: JUL 05 2008] (Auth: HRS § 363-13) (Imp: HRS:
§ 363-13)

2. Section 7-32-6, Hawaii Administrative Rules, is amended to read as follows:

"§7-32-5 Visitors. (a) Visitors may be admitted during the hours the cemetery is open.

(b) Visitors shall not be permitted to:

- (1) Litter the grounds, or tag or spray-paint buildings or other structures;
- (2) Cut, break, remove, or injure trees, shrubs, grass or other plantings;
- (3) Use the cemetery for any form of sports or recreation, including but not limited to:
 - (A) Jogging;
 - (B) Skate boarding, roller-skating, or rollerblading;
 - (C) Bicycling;
 - (D) Picnicking
 - (E) Ball playing;
 - (F) Consumption of intoxicating beverages or illegal use of controlled substances;
 - (G) Loitering, performing any inappropriate behavior that is not conducive to proper standards of decorum or decency;
 - (H) Playing loud or amplified music so that it interferes with others;

(c) No pets are allowed. This does not apply to seeing eye or service dogs accompanying their masters.

(d) Any service, ceremony or demonstration, except as authorized by a designated cemetery official.

(e) Visitors at public gatherings or ceremonies shall observe proper standards of decorum and decency while upon the cemetery premises.

(f) Visitors shall be properly dressed while upon the cemetery premises, to include footwear and upper body dressing. However, the director or the designated representative can make exceptions for cultural purposes, for example, as part of a cultural specific event. Approval will be in writing prior to the event."

[Eff: JUL 05 2008
HRS §363-2]

] (Auth: HRS §363-2) (Imp:

3. Section 7-32-7, Hawaii Administrative Rules, is amended to read as follows:

"§7-32-7 Fee Structure (a) By Law, the state holds title to all gravesites

(b) Burial vaults shall be used for all ground casket burials. The director shall set the cost of the burial vaults.

(c) There shall be no charge for the gravesite, which is selected by the cemetery staff, or it's perpetual care, except as provided in subsection (d).

(d) To compensate for the opening and closing of graves the following fee structure is in effect:

- (1) For interment of veterans, the state shall receive the veteran's plot allowance, or the sum equivalent to the amount of the plot allowance.
- (2) For interment of eligible dependents, the state shall receive from the dependent's survivors or representative the sum set forth by the director.
- (3) When the veteran dies from a service-connected condition, the state shall receive from the veteran's survivors or representative the sum equivalent to the plot allowance.
- (4) When a member of the armed services dies while serving on active duty, the state shall receive from the service member's survivor or representative the sum equivalent to the amount of the plot allowance.
- (5) When a veteran is disinterred from another cemetery and re-interred at the cemetery, the state shall receive from the veteran's survivor or representative, the sum equivalent to the plot allowance.
- (6) When a dependent is disinterred from another cemetery and re-interred at the cemetery, the state shall receive from the veteran's survivor or representative, the sum set forth by the director."

[Eff: JUL 05 2008] (Auth: HRS §363-2)
(Imp: HRS §363-2)

4. Section 7-32-10, Hawaii Administrative rules, is amended to read as follows:

"§7-32-10 Memorialization. (a) No person shall make or install any monument, tablet or other commemorative installation, except with the written permission of the director or a designated cemetery official.

(b) Except for flowers, wreaths, and sprays authorized pursuant to section 7-32-9 of these rules, no person shall memorialize a gravesite for any reason or do any thing to distinguish one gravesite from another. Memorializing for purposes of these rules includes, permanently affixing anything to a grave marker, raising a cemetery plot above the surrounding terrain with any material, altering the cemetery plot in any way, or the planting of unauthorized grass, plants, shrubbery or any other vegetation on or around the cemetery plot.

(c) Any person memorializing a gravesite will not be reimbursed for any such items removed by cemetery personnel. The family or families, if known, shall be liable for any removal and restoration costs, which may include appropriate legal proceedings. Repeat violations may result in a ban from the cemetery, the issuance of a trespass order, and any other legal remedies that would help the administrator maintain the level of reverence intended for the sacred grounds."

[Eff: JUL 05 2008] (Auth: HRS §363-2) (Imp: HRS §363-2)

5. Section 7-32-17, Hawaii Administrative Rules, is amended to read as follows:

"§7-32-17 Disinterment. (a) Interment of eligible decedents shall be considered to be permanent and final.

(b) Disinterment and removal of remains shall be permitted only with the prior approval of the director.

(c) All arrangements and all expenses in connection with a disinterment shall be the responsibility of the requesting individual or agency. These arrangements shall include compliance with the local and state health laws or rules, engagement of a funeral director to accomplish the disinterment, necessary re-casketing of the remains, rehabilitation of the old grave, and compliance with any special instruction of the director.

(d) Disinterments shall be supervised at the gravesite by the director or designated cemetery official.

(1) Special care and concern shall be shown for adjacent graves and markers.

(2) Cemetery personnel shall not participate in any aspect of the disinterment operation.

(3) No charge shall be made for the supervision of the disinterment process.

(e) The marker of the grave being disinterred shall not be shipped to the cemetery where the remains are to be re-interred.

(f) If the decedent being disinterred is to be re-interred at another location within the cemetery, the same marker shall be removed and reordered showing the change of grave location and placed at the new gravesite.

(g) When a disinterment has been completed, the open grave shall be reused at the earliest practical date.

(h) Family members or persons requesting disinterment shall be responsible for all costs incurred during the disinterment process including, but not limited to: disinterment permit, hiring of the contractor to provide the disinterment process, mortuary services of any type, including the handling and transportation of the casket to the cemetery for re-interment, and any other fees, charges, or costs by the contractor or mortuary.

(i) Family members or persons requesting disinterment shall be responsible for any damage or disruption to the adjacent gravesites or markers, or cemetery facilities or property during the disinterment process."

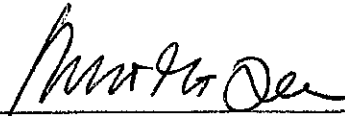
[Eff: JUL 05 2008

] (Auth: HRS §363-2) (Imp: HRS §363-2)

DEPARTMENT OF DEFENSE

Amendments to chapters 7-31, and 7-32, Hawaii Administrative Rules, on the Summary page dated _____ were adopted on _____, following public hearings held on Kauai: January 7, 2008; Hilo: January 10, 2008; Maui January 14, 2008; Lanai: January 22, 2008, Molokai: January 24, 2008, Kona: January 25, 2008; and Oahu: January 28, 2008, after public notice was given in the Maui News, Star Bulletin and Honolulu Advertiser on December 8, 12, 14, 18, 24 and 27, 2008 respectively.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.



ROBERT G.F. LEE
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APPROVAL AS TO FORM:



MICHAEL VINCENT
Deputy Attorney General



LINDA LINGLE
Governor

Date: JUN 25 2008

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LIUTENANT GOVERNOR'S
OFFICE

Filed